IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14480 of 2005

Between:

Karri Tata Reddy, s/o Govinda Reddy, Aged 52 years,
R/o 4-46, Koppavaram (V), Anaparthi Mandal,

E.G.District.

..... PETITIONER

AND

1. Panchayat Secretary,

Koppavaram Gram Panchayat,

Koppavaram (V), Anaparthi Mandal, E.G.District.
2. Mandal Revenue Officer,

Anaparthi Mandal, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ of mandamus or any appropriate writ or direction declaring the proposed action of the respondents herein in demolishing the house property of the petitioner bearing D.No.4-46, situated at Koppavaram (V), Anaparthi Mandal, E.G.District as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents not to

demolish the house property of the petitioner bearing D.No.4-46, Situated at Koppavaram (V), Anaparthi Mandal, E.G.District without following due process of law.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent No.2 : GP FOR REVENUE

Counsel for the Respondent No.1: Sri M. Prabhakara Rao.

The Court at the admission stage made the following :

ORDER:

The case of the petitioner is that the house bearing No.4-46 situated at Koppavaram village of Anaparthy Mandal, devolved on him from his ancestors. The petitioner asserts that the said house is strictly in accordance with plan without any deviation and he had been paying the taxes and is not an obstacle to vehicular traffic. While so, the subordinates of the respondents visited the premises on 2.7.2004 and started measuring the house and on enquiry, revealed that the house is being demolished. It is stated that the said process is without issuing any notice. Therefore, seeking the above prayer, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and

the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling house of the petitioner, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 5, 2005

MAS.

To:

1. Panchayat Secretary,

Koppavaram Gram Panchayat,

Koppavaram (V), Anaparthi Mandal, E.G.District.

2. Mandal Revenue Officer,

Anaparthi Mandal, E.G.District.

3. 2 CCs to the Govt. Pleader for Revenue, A.P. High Court

Buildings, Hyderabad.

4. 2 CD copies.

*Form-NIC-OGS/WP{**TRR**}*